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Letter dated 7 April 2005 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to the letter dated 28 February 2005 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to you (S/2005/138), I have the honour to transmit herewith a copy of a note verbale dated 3 April 2005 from the Ministry for Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the United Arab Emirates in Tehran (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) M. Javad **Zarif**

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Annex to the letter dated 7 April 2005 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Note verbale dated 3 April 2005 from the Ministry for Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the United Arab Emirates in Tehran

The Ministry for Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the United Arab Emirates in Tehran and, with reference to the note verbale dated 19 February 2005 of the Ministry for Foreign Affairs of the United Arab Emirates (see S/2005/138), has the honour to state the following:

All measures taken by the Government of the Islamic Republic of Iran with regard to Abu-Musa Island are in conformity with the Islamic Republic of Iran's rights of national sovereignty and territorial integrity and do not contradict the provisions of the 1971 memorandum of understanding between Iran and Sharja.

The Islamic Republic of Iran still emphasizes the continuation of bilateral negotiations with the relevant officials in the United Arab Emirates with a view to removing any misunderstanding between the two countries with regard to the implementation of the 1971 memorandum of understanding between Iran and Sharja.

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Eighteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The report provides a brief account of the relevant developments since my last report, of 8 December 2004 (S/2004/961).

II. Background

2. During the reporting period, the Gulf Cooperation Council and the League of Arab States addressed issues pertaining to the repatriation or return of all Kuwaiti and third-country nationals or their remains. At its twenty-fifth session, held in Bahrain on 20 and 21 December 2004, the Supreme Council of the Gulf Cooperation Council condemned the deliberate mass killing of Iraqis and of Kuwaiti prisoners and detainees as well as nationals of other countries committed by the previous Iraqi regime, and their burial in mass graves. It stated that those acts amounted to a flagrant violation of human rights, the principles of Islam, moral principles in general, and Arab values.

3. In the final communiqué of its seventeenth regular session at the summit level, held at Algiers on 22 and 23 March 2005, the Council of the League of Arab States condemned the serious violations of human rights perpetrated by the former Iraqi regime during its occupation of Kuwait, particularly with regard to Kuwaiti and third-country prisoners and missing persons. The Council called for the continuation of efforts to establish the fate and whereabouts of those prisoners and missing persons. It supported referral of the perpetrators of the crimes to the competent Iraqi courts.

III. Recent activities

4. In a letter dated 21 March 2005, the Permanent Representative of Kuwait to the United Nations informed the High-level Coordinator, Yuli Vorontsov, that the total number of identified remains had risen to 222. The names of the identified

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remains are listed in the annex to the present report, where it is noted that some remains were those of citizens of Egypt, the Islamic Republic of Iran, Lebanon, Oman and Saudi Arabia.

5. On 21 and 22 March 2005, Ambassador Vorontsov visited Kuwait, where he was received by the Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al-Salem al-Sabah, and had meetings with members of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs and other officials. He was advised that Kuwait was determined to continue efforts aimed at disclosing the fate of all Kuwaiti prisoners of war and third-country nationals. The Kuwaiti authorities often received from sources in Iraq and the neighbouring countries information about Kuwaiti missing persons and third-country nationals. Every piece of information was thoroughly checked by the Kuwaiti authorities in the hope that it might lead to the whereabouts of a person who was still alive or a burial site. Because of security concerns, the Kuwaiti technical teams were unable to continue their work in Iraq during the first quarter of 2005. Identifications made during the past several months were based on the mortal remains brought to Kuwait in 2004. The High-level Coordinator assured his interlocutors that he would make every effort to assist in bringing to a close the humanitarian issue of Kuwaiti detainees and third-country nationals.

6. While in New York in December 2004, Ambassador Vorontsov held a meeting with the Permanent Representative of Iraq to the United Nations, who assured him of the willingness and determination of the new Iraqi authorities to assist in closing the files of Kuwaiti missing persons and to cooperate with the High-level Coordinator.

7. On 9 March 2005, I received a letter from the Minister for Foreign Affairs of Iraq, Hoshyar Zebari. The Minister stressed the desire of the Government of Iraq to cooperate fully with the High-level Coordinator and offer the necessary assistance to enable him to discharge his responsibilities in accordance with the relevant Security Council resolutions, so that the issues of Kuwaiti missing persons and the return of Kuwaiti property could be closed. The Minister pointed out, among other things, that the process of searching for missing persons continued with the best of intentions and goodwill. The Ministry of Foreign Affairs of Iraq had published in the media, including local newspapers, the names and photographs of missing persons whose remains had not yet been found and requested citizens to report any relevant information to the competent Iraqi authorities.

8. In my fifteenth report, dated 16 April 2004 (S/2004/301), I referred to the issue of compensation to family members of 605 former detainees in Iraq determined to be deceased. At its fifty-fifth session, on 10 March 2005, the Governing Council of the United Nations Compensation Commission approved the report and recommendations made by the Panel of Commissioners concerning the claims with regard to 605 former detainees in Iraq. The Government of Kuwait had withdrawn two of the claims. Of the 603 claims reviewed (seeking a total of approximately US$ 259 million), 602 were approved by the Council for compensation, with a total award value of $161 million.

9. The claims comprised the losses personally suffered by the deceased detainees, including claims for forced departure, loss of property and business losses, as well as the loss of financial support and mental pain and anguish suffered by their families. According to the Commission's procedures for the distribution of awards,

$100,000 will be made available for distribution to each of the families in the next round of payments, scheduled for April 2005.

IV. Observations

10. Given the difficult security situation in Iraq, the search for the Kuwaiti prisoners of war and third-country nationals or their remains in Iraq has not progressed substantially since the submission of my last report. However, the process of identification of mortal remains has continued. I support the determination of the Government of Kuwait to pursue the issue of Kuwaiti prisoners of war and third-country nationals until all files are closed. The fate of some 270 missing persons is not yet known but, regrettably, the chances that they may be found alive have diminished with time.

11. Again, I strongly condemn the execution of Kuwaiti and third-country nationals by the previous Iraqi regime in violation of human rights and international humanitarian law. I call on the newly installed Government of Iraq to ensure that those responsible for these despicable crimes are brought to justice.

12. I am pleased to note a constructive stance taken by the new Iraqi authorities when it comes to meeting the international obligations of Iraq with regard to the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of property in accordance with paragraph 14 of resolution 1284 (1999). Concrete actions have been taken to that end and I hope that they will bring results.

13. The assistance provided by the multinational force in Iraq in the search for the Kuwaiti and third-country missing persons is greatly valued.

14. The High-level Coordinator will continue to maintain close contacts with the Government of Kuwait and the Tripartite Commission, which remains the most appropriate mechanism to deal with the issues in question. He will continue his dialogue with the Iraqi authorities.

Annex

Names of Kuwaiti and third-country nationals whose remains have been identified

1. Saad Meshal Aswad Salamah Al-Enezi
2. Ahmed Abdullah Abdulrasul Al-Ghallaf
3. Saleh Ali Said Al-Hayani
4. Enam Said Ahmad Said Ismail Al-Edan
5. Abdullatif Hussein Al-Waheb
6. Naser Hussein Omaran Al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili Al-Mutairi
9. Nasser Sherif Fahed Al-Khaldi
10. Daad Omar Al-Hariri (Lebanese)
11. Jassem Hamid Abdallah Al-Samak
12. Safah Ibjad Aloush Al-Mutairi
13. Lafi Faihan Mohammad Laili Al-Mutairi
14. Abdul Rahman Saad Marzook Al-Otaibi
15. Mohammed Gazai Saad Ali Al-Mutairi
16. Farhan Harbi Saket Al-Dhafiri
17. Obaid Falah Husaini Al-Mutairi
18. Hamad Mohammad Ghuneim Al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad Al-Enezi
21. Fahed Akil Rakan Al-Zufayri (Saudi)
22. Misfir Mhana Misfir Al-Sharifa Al-Hayani
23. Nasser Ayed Duhayran Al-Oteibi
24. Mohammad Nasser Sharid Al-Ajami
25. Assal Turki Kusayman Al-Ajami
26. Abdallah Sulayman Abdallah Al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali Al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh Al-Sahli
31. Khaled Saleh Al-Tuwaygeri

32. Adel Fahed Hamad Al-Hamad
33. Fahed Khalifa Jadlan Al-Mutayri
34. Salem Obeid Abdallah Al-Mutayri
35. Shojah Madi Omar Al-Ajami
36. Habib Saleh Al-Zaqah
37. Ali Abdallah Ali Al-Duwaysan
38. Maayuf Jaber Sahud Al-Harbi
39. Yaccoub Yussef Bader Al-Ustaz
40. Mansour Tulayhan Samar Al-Mutayri
41. Hamad Humaydi Ghazi Al-Otaibi
42. Mohsen Mohammad Mohsen Al-Ajami
43. Rajeh Zeyab Bedah Nahar Al-Mutayri
44. Mansour Faleh Nasser Al-Thaqeb
45. Ahmad Mahmoud Al-Hattab (Egyptian)
46. Jaber Helal Shedid Al-Shemary
47. Falah Jaser Saad Guniman Al-Mutayri
48. Jatly Mohammad Mejaed Al-Mutayri
49. Husain Salem Faza Al-Shamry
50. Khalifa Trak Suliman Al-Shamry
51. Adel Faleh Satam Al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeban Al-Shamry
54. Hamoud Nafel Saeid Al-Harshany
55. Nabil Ali Ramadan Bushehry
56. Mutlaq Ali Salman Al-Adwani
57. Waleed Saad Mubarak Al-Asaf
58. Abdulah Fares Ayed Al-Shamry
59. Bader Nahar Mefrij Al-Mutayri
60. Matar Saket Mater Al-Mayai Al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis Al-Mutayri
63. Abdulaziz Abdullatif Abdulaziz Al-Kharaz
64. Mubarak Saleh Herzan Malis Al-Mutayri
65. Hamoud Ebrahim Harfan Al-Sahly

66. Saad Murshid Jasir Al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen Al-Oseimi
71. Abdalla Al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen Al-Ali
74. Mohammad Makboul Al-Otaibi
75. Ali Hassan Awad Al-Azmi
76. Hamoud Nassir Baanoun El-Enezi
77. Khalaf Akil Ali Al-Dhafiri
78. Saad Bashir Mubarak Al-Rashidi
79. Mohammad Rashid Nabi Al-Duwaila
80. Nawaf Abdulla Farraj Al-Mutairi
81. Saleh Mathal Jasser Al-Mutairi
82. Mohammad Ahmad Shafiq Al-Sharifi
83. Abdulla Deydan Kazar Al-Dhafiri
84. Maged Jaber Fyhan El-Enezi
85. Tarek Mohammad El-Qahtany
86. Meshal Jazza El-Enezi
87. Fawzy Ali Ebrahim Al-Mulla
88. Saleh Naser Al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed Al-Musilikh
92. Ahmed Ali Al-Kandary (Iranian)
93. Abdulaziz Ali Mohammad Al-Khanini
94. Fauzi Ebrahim Abdullatif Al-Abed Al-Jalil
95. Mohammad Naeif Muthri Al-Shamry
96. Jamal Mubarak Muwanas Al-Muwanas
97. Salah Jassem Mandani Qassem Ghullam
98. Abdullah Shafi Hafiz Al-Shagban Al-Ajami
99. Qadir Abdulrahman Jassem Mustafa

109. Ismail Ebrahim Mohammad A. Al-Kandary
101. Yacoub Hussein Ali Akbar
102. Mohammad Ali Saleh Al-Zaqah
103. Ahmad Abdulla Mustafa Hadi
104. Waleed Feiruz Yaqout Al-Manea
105. Mohammad Ahmad Mohammad Al-Rashed
106. Saoud Abdulaziz Furaih Al-Koub
107. Khaled Abdulaziz Furaih Al-Koub
108. Ali Mohammad Ali Salem
109. Adnan Feiruz Yacout Al-Manea
110. Fahed Ali Kamikh Al-Dehâni
111. Hani Feiruz Yacout Al-Manea
112. Mohammad Mutlaq Rumeih Al-Bathali
113. Hamad Muajeb Saad Al-Ajmi
114. Mutlaq Abdallah Mutlaq Al-Hajr Al-Mutairi
115. Zakaria Abdulqader Mohammad Al-Qaderi
116. Ahmad Saleh Aboud Al-Enezi
117. Ajmi Awajah Rashid Al-Rashidi
118. Shaker Abdallah Mohammad Al-Jedi
119. Nabil Mohammad Hassan Al-Sharaf
120. Hamoud Marzook Thamer Al-Fadly
121. Khaled Hussein Aoun Al-Atiyah
122. Maysam Rawdan Adnan Jodah Al-Shamry
123. Mohammad Hamoud Ayed Al-Aqail
124. Mohammad Jassem Khalf Al-Thanian
125. Mohammad Mrzook Mohammad Al-Mrzook
126. Mutlaq Abdul Rahman Mutlaq Al-Khalidi
127. Housain Mohammad Hosain Adab
128. Talal Hadi Al-Otaibi
129. Khaled Nasser Fahd Al-Ajami
130. Abdul Razzaq Abdullah Mubarak Al-Fawzan
131. Ali Husain Nasrallah Boshahryary (Iranian)
132. Saoud Manea Mohammad Tahous
133. Khaled Ahmed Mohammad Al-Rashed

134. Hamoud Muhareb Ali Al-Shamry
135. Abdullah Fahm Moatesh Al-Mutairi
136. Srour Falah Srour Al-Rashaidi
137. Abdallah Wali Hizam Al-Shamry (non-Kuwaiti)
138. Nasser Fahed Mohammad Al-Ajami
139. Fahed Wali Hizam Al-Shamry (non-Kuwaiti)
140. Mohammad Faleh Abboud Al-Enezi
141. Faisal Ghali Ashwi Al-Dhafiri
142. Nasser Ali Nasser Al-Ajami
143. Nawaf Hamad Hussein Al-Ajami
144. Khaled Nasser Khaled Al-Subaii
145. Alnouri Khalaf Kuwayan Al-Dhafiri (Saudi)
146. Mansour Awad Mansour Al-Ajami
147. Fahed Alhailam Musmar Al-Dhafiri
148. Jamal Abbas Ghaloum Hussein
149. Abdulkarim Ali Khaled Mohammad
150. Mousa Ebrahim Suleiman Al-Khalifi
151. Abdulaziz Ebrahim S. Al-Badyawi (Saudi)
152. Abdulrazaq Dakhil Abdulrazaq Al-Tawalah
153. Hamad Mubarak Salem Al-Hajri
154. Khaled Ahmad Mubarak Al-Sharhan
155. Mohammad Serhan Aswad El-Enezi
156. Fahed Bashir Mubarak Al-Rashidi
157. Ahmad Abdulla Ahmad Al-Kandari
158. Dhafir Abdulhadi Dhafir Al-Rashidi
159. Hamdan Hamoud Ghazi Al-Otaibi
160. Mansour Faleh Nasser Al-Ajmi
161. Salah Ali Murshid Al-Rashidi
162. Meshal Obeid Hamdan Al-Otaibi
163. Hamoud Mohwis Saoud Al-Saidi
164. Mohammad Nasser Hazzah Al-Otaibi
165. Abdullah Salem Salem Gheith
166. Fahed Mohammad Abdulla Al-Khalidi
167. Faisal Zaid Sulaiman Al-Ajeel

168. Husam Ahmad Mohammad Al-Sayafi
169. Salah Abdulla Abdulrahman Al-Majid
170. Mohammad Ali Abdulla Burhameh
171. Nasser Mudaf Ahmad Khalfan
172. Safi Maatouk Aman Al-Felaij
173. Khaled Nouri Sulaiman Al-Qanai
174. Imad Yussef Saad Al-Rashid
175. Ahmad Hussein Bakr Al-Asfour
176. Ahmad Abdulrahman Abdulmohsen Al-Rifai
177. Khaled Ahmad Issa Matar
178. Ali Abdullatif Abdallah Al-Asfour
179. Imad Abdulwahab Hussein Al-Roumi
180. Sami Khalifa Ebrahim Al-Rashed
181. Esam Abdulwahab Hussein Al-Roumi
182. Salah Khalifa Abdalla Al-Derbas
183. Faisal Ahmad Hussein Al-Qattan
184. Jamal Abdul Hamid Essa Al-Attar
185. Mustafa Abdul Hamid Matar Al-Shatti
186. Shaheen Ahmad Majid Al-Shaheen
187. Fahed Ahmad Majid Al-Shaheen
188. Khaled Marzooq Zaid Al-Mutayri
189. Meshal Ahmad Thenian Al-Musailem
190. Ali Zaal Awad Al-Zufayri (Saudi)
191. Abdallah Rahed Ahmad Al-Yacoub
192. Mohammad Naeif Abdallah Al-Enezi
193. Bader Abdallah Ahmad Al-Sharqawi
194. Mahmoud Naeif Abdallah Al-Enezi
195. Khaled Abdullatif Abdallah Al-Mari
196. Mohammad Yousef Said Albaloushi (Omani)
197. Hussein Abdel Amir Ali Mohammad (Iranian)
198. Fahed Ahmad Abdulmohsen Al-Abdulkarim
199. Rashed Zayed Mutlaq Al-Duwailah
200. Adel Ahmad Abdulaziz Al-Raqim
201. Rashid Mazeid Said Al-Mutairi

202. Abdulla Abdullatif Abdulla Al-Asfour
203. Waleed Hamad Al-Fahed Al-Hamad
204. Mohammad Abed Ridha Abbas Ghaloum
205. Samir Jasem Mahmoud Al-Saffar
206. Aref Ebrahim Youssef Al-Dhowaihi (Saudi)
207. Najim Taleq Saoud Al-Muweizri
208. Nasser Hazaa Zaid Alwaalan Al-Mutairi
209. Nasser Sulaiman Farah Al-Shamry
210. Hassan AbdulAziz Qumir Abdullah
211. Khaled Jassem Hamd Al-Derbas Al-Zaabi
212. Shehab Ahmed Shaker Ali
213. Mousa AbdulRidha Abbas Ghaloum
214. Madi Hameed Obaid Al-Mutairi
215. Zaid Saadi Zaid Al-Shamry
216. Hassan Guloum Hassan Sakkin
217. Hussein Abdullah Ahmed Al-Ghallaf
218. Salah Ali Saad Al-Khouder
219. Salah Abdullatif Farhan Al-Doukhi
220. Sayed Mohammad Sayed Ali Musalam
221. Abdul Amir Hussein Ahmad Al-Qattan
222. Adnan Safar Maarafi Maarafi

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Corrigendum

Paragraph 10, last sentence

For 270 missing persons *read* 380 missing persons

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